

EFS

Confirmation No.: 1032

Response to (Non-Final) Office Action dated 7/2/2008

Dkt. No. 34294/3

**REMARKS**

Claims 1-18 are pending. By this Amendment, claims 1, 8 and 15-18 are amended.

Reconsideration based on the following remarks is respectfully requested.

The Office Action rejects claims 1-18 under 35 U.S.C. 103(a) over "Applicant's Background of the Invention" (BOI) in view of Arai (U.S. Patent Application Publication 2002/0147688). This rejection is respectfully traversed.

BOI, alone or in combination with Arai, does not disclose or even suggest a method of advertising within a media broadcast program which features regular program content and content related to commercials, including, *inter alia*, establishing a contest whereby listeners of said program may become participants in said contest by following procedures of said contest, said contest including the broadcast of clues from time to time following broadcast of one of said commercials, with the contest requirement that a participant respond to said at least one broadcasted clue and follow the required procedure of said contest, broadcasting at least one set of regular program content during said program, broadcasting at least one commercial during said program as part of the content related to commercials, broadcasting at least one clue following said at least one commercial as part of the content related to commercials, and providing a specified award to each participant whose response to said clue satisfied the contest requirements to win said award, as recited in claim 1, and as similarly recited in claims 1, 8, 15 and 17. Similarly, BOI, alone or in combination with Arai, does not disclose or even suggest a method of advertising within a media broadcast which features the

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broadcast of regular program content for a first specified period of time and broadcasting content related to commercials during a second specified period of time, including, inter alia, establishing a contest whereby listeners or viewers of said program may become participants in said contest by following procedures of said contest, said contest including the broadcast of at least one clue from time to time following broadcast of at least one of said commercials, with the contest requirement that a participant respond to said at least one broadcasted clue and follow the required procedure of said contest, broadcasting said program during the first specified period of time, broadcasting at least one set of commercials during said second specified period of time, broadcasting said at least one clue following a commercial of said at least one set of commercials during said second specified period of time, and providing a specified award to each participant whose response to said clue satisfied the contest requirements to win said award, as recited in claim 16, and as similarly recited in claim 17.

The Office Action recognizes that the state of the art as discussed in BOI does not disclose broadcasting at least one commercial during the program and the broadcast of clues following broadcast of the commercial. According to the Office Action, the combination of the Akai patent with the state of the art results in a step in which at least one clue is broadcast following at least one commercial, since Akai teaches that it is well known to use songs as commercials. However, neither BOI nor Akai teach or even suggest broadcasting at least one clue as part of the content related to commercials, nor do their combination result in such a step.

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For at least these reasons, it is respectfully submitted that independent claims 1, 8 and 15-18 are in condition for allowance. The dependent claims are also allowable for the reasons discussed above as well as for the additional features they recite.

Applicant respectfully requests that a Notice of Allowance be issued for this application indicating the allowance of all pending claims.

If any fees are required to preserve the pendency of the subject application, please debit Deposit Account No. 01-1785. Likewise, if there is overpayment, please credit the same account.

Respectfully submitted,

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